

REMARKS

Claims 1-4 are pending. Claim 1 has been amended. No new matter has been added.

Claims 1-4 are rejected under 35 USC 112, first paragraph, as based on a disclosure which is not enabling. Claim 1 has been amended to overcome this rejection, and thus withdrawal of this rejection is respectfully requested.

Claims 1, 2 and 4 are rejected under 35 USC 102(b) as being anticipated by Watatani, U.S. Patent Publication No. 2002/0110982. This rejection is respectfully traversed.

Claim 1 recites “wherein the formation of the silicon nitride film is controlled such that the N-H bond density of the silicon nitride film is 1.0×10^{22} pieces/cm³ or less.” The Examiner asserts that this feature is taught by Watatani. The Examiner appears to base this assertion on the fact that Watatani's silicon nitride film is formed in the same condition as that of claim 2 of this application. Applicants note that there is no specific disclosure within Watatani that teaches or suggests that the N-H bond density of the silicon nitride film is 1.0×10^{22} pieces/cm³ or less.”

Applicants respectfully submit that the Examiner's assertion that Watatani teaches that the N-H bond density of the silicon nitride film is 1.0×10^{22} pieces/cm³ or less is based on an incorrect assumption. The N-H bond density of the silicon nitride film depends on many factors, such as compositions, pressure, and temperature of the gases used to form the film (see lines 3-18 of p. 8 of the present application). Thus, even when the a low pressure thermal CVD method at a temperature of 450°C to 700°C is used to form the silicon nitride film, it is not known whether or not the N-H bond density of the film is 1.0×10^{22} pieces/cm³ or less. This depends on other factors, and Watatani is silent in this regard. Accordingly, the features of claim 1 are not taught or suggested by Watatani.

The remaining claims are allowable at least due to their respective dependencies. Applicants request that this rejection be withdrawn.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 259052006100.

Dated: May 23, 2007

Respectfully submitted,

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